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Attorney for Defendant

5 **UNITED STATES DISTRICT COURT**

6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA) Case No. 2:19-cr-00208-RFB-DJA
8)
9 Plaintiff,) **STIPULATION TO CONTINUE
vs.) TRIAL (Fourth Request)**
10)
11 DONNY THOMAS CANTRELL, JR.,)
12 Defendant.)
13 _____)

14 IT IS HEREBY STIPULATED AND AGREED by and between Nicholas Trutanich,
15 United States Attorney, by and through Brian Whang, Assistant United States Attorney, and
16 Mace Yampolsky, Esq., counsel for Defendant Donny Thomas Cantrell, Jr., that the calendar call
17 and trial in above-captioned matter currently scheduled for August 4, 2020, and August 20, 2020
18 be continued and rescheduled for a period of at least 90 days.

19 This Stipulation is entered into for the following reasons:

20 1. The parties are discussing the case and assuring that all discovery has been provided.

21 Additional time is required to evaluate the case and to prepare for trial.

22 2. IT IS FURTHER STIPULATED AND AGREED that one of the reasons this

23 Stipulation is being entered into is because of the restrictions that the Courts have
24 imposed due to Covid 19.

1 3. The Defendant is in custody, and does not object to the continuance.
2 4. Denial of this request could result in a miscarriage of justice, taking into account the
3 exercise of due diligence by all parties hereto.
4 5. The additional time requested by this stipulation is excludable in computing the time
5 within which trial must start under the Speedy Trial Act, Title 18, United States Code,
6 Section 3161(h)(7)(A) and 3161(h)(7)(B)(iv).
7 6. This is the fourth stipulation for a continuance sought by the parties hereto.

8 Dated this 29th day of July, 2020.

9 YAMPOLSKY & MARGOLIS

10 _____
11 /s/ Mace J. Yampolsky, Esq.
12 MACE J. YAMPOLSKY, ESQ.
13 Attorney for Defendant

14 OFFICE OF THE UNITED STATES ATTORNEY

15 _____
16 /s/ Brian Whang
17 BRIAN WHANG
18 Assistant United States Attorney

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7 **UNITED STATES DISTRICT COURT**

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9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA) Case No. 2:19-cr-00208-RFB-DJA
11 Plaintiff,)
12 vs.)
13 DONNY THOMAS CANTRELL, JR.,)
14 Defendant.)
15 _____)

16 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
17 Court finds that:

18 **FINDINGS OF FACT**

19 1. The parties are discussing the case and assuring that all discovery has been provided.
20 Additional time is required to evaluate the case and to prepare for trial.

21 2. Certain restrictions have been imposed by the Courts due to Covid 19.

22 3. The Defendant is in custody, and does not object to the continuance.

23 4. Denial of this request could result in a miscarriage of justice, taking into account the
24 exercise of due diligence by all parties hereto.

25 5. The additional time requested by this Stipulation is excludable in computing the time
within which trial must start under the Speedy Trial Act, Title 18, United States Code,
Section 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

6. This is the fourth stipulation for a continuance sought by the parties hereto.

For all of the above-enumerated reasons, the ends of justice would be served by granting a continuance of the above trial date in this matter.

CONCLUSIONS OF LAW

Based on the fact that the parties are discussing the case and assuring that all discovery has been provided; and based on the restrictions due to Covid 19; and based on the fact that additional time is required to evaluate the case and to prepare for trial; and based upon the fact that Defendant is in custody and does not object to the continuance; and based on the fact that denial of this request could result in a miscarriage of justice; the Court hereby concludes that:

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3616(h)(7)(A), when considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(I) and 3616(h)(7)(B)(iv); and

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice.

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ORDER

IT IS THEREFORE ORDERED that the calendar call and trial in the above-captioned matter, currently scheduled for August 4, 2020, at the hour of 1:30 p.m., and August 10, 2020, at the hour of 9:00 a.m., respectively, be vacated and continued for a period of at least 90 days as set forth below.

DATED: July 29, 2020.

8

RICHARD F. BOULWARE, II
United States District Judge

Calendar Call in this matter is now set for: December 8, 2020 at 1:30 PM

Trial in this matter is now set for: December 14, 2020 at 9:00 AM